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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

Abdi Nazemian, et al.,
Plaintiffs,
vs.
NVIDIA Corporation,
Defendant.

Master File Case No. 4:24-cv-01454-JST (SK)
Consolidated with Case No. 4:24-cv-02655-JST (SK)

**PLAINTIFFS' SUPPLEMENTAL BRIEF IN
SUPPORT OF MOTION FOR LEAVE TO
MODIFY CASE SCHEDULE AND FILE
FIRST AMENDED CONSOLIDATED
COMPLAINT**

1 At the Court’s request, Dkt. 229, this supplemental brief addresses NVIDIA’s argument that
2 Abdi Nazemian’s dismissal is governed by Rule 41(a) rather than Rule 15. Plaintiffs do not dispute
3 that the dismissal of a party is governed by Rule 41(a) and not under Rule 15. At the time Plaintiffs
4 filed the motion for leave to amend, Plaintiffs intended to reach agreement with NVIDIA and file a
5 stipulation. The parties, however, have been unable to reach agreement on the terms of dismissal.

6 Upon further consideration, Mr. Nazemian no longer intends to withdraw from this action.
7 NVIDIA has told Plaintiffs that it will only stipulate to Mr. Nazemian’s dismissal if his claims are
8 dismissed with prejudice, along with the following conditions: “(1) [providing] final responses to
9 outstanding discovery requests; (2) production of all documents regarding the Asserted Works,
10 including loan-out agreements, assignments, ownership communications, and registrations; (3)
11 production of agreed-upon ESI with a certification of search parameters; (4) a four-hour
12 preservation deposition on authorship, ownership, chain of title, and document authentication [].”
13 Dkt. 221 at 6:2-23 (Joint Case Management Statement, December 2, 2025).

14 Given NVIDIA’s position, Mr. Nazemian faced the risk that any contested motion under
15 Rule 41(a) would result in dismissal of his claims with prejudice—and in the relinquishment of
16 even the right to participate in any recovery as an absent class member—*along with* a requirement
17 that Mr. Nazemian continue to bear the burdens of civil discovery. Mr. Nazemian has therefore
18 elected to remain as a named plaintiff in this litigation.

19 Plaintiffs are attaching amended Exhibits 1 and 2 to Dkts. 227-1 and 227-2, which reinclude
20 allegations related to Mr. Nazemian as a Plaintiff from the First Amended Consolidated Complaint.
21 *See* Castillo Guardado Decl. at Exhs. A and B. For ease of reference, attached as Exhibit C is a
22 redline to the amended complaint filed at Dkt. 227-1 showing the addition of allegations related to
23 Mr. Nazemian. *Id.* at Ex. C. On January 9, 2026, Plaintiffs informed NVIDIA of Mr. Nazemian’s
24 intent to remain a Plaintiff in this action and that he will no longer proceed with a Rule 41 motion
25 *Id.* at ¶ 2.
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1 Dated: January 9, 2026

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